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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,073	12/20/2001	John Almeida	almeida073	5295

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EXAMINER	
THEIN, MARIA TERESA T	

ART UNIT	PAPER NUMBER
3627	

NOTIFICATION DATE	DELIVERY MODE
05/01/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/029,073	ALMEIDA, JOHN	
	Examiner	Art Unit	
	MARISSA THEIN	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *276-332* is/are pending in the application.

4a) Of the above claim(s) *297-307* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *276-296 and 308-332* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 6, 2009 has been entered.

Response to Amendment

Applicant's "Request for Continued Examination" filed on February 6, 2009 has been considered.

Applicant's response by virtue of amendment to claims 297-307 has not overcome the Election/Restriction.

Applicant's response by virtue of amendment to claims 276-296 and 308-332 has not overcome the Examiner's rejection under 112, second paragraph.

Applicant's response by virtue of amendment to claims 276-296 and 308-332 has overcome the Examiner's rejection under 101.

Election/Restrictions

Applicant remark pertaining to the Election/Restriction.

Examiner does not agree. The inventions are distinct because Invention I includes a third e-shop/website wherein the third e-shop/website displaying the first good/content and the second good/content as if the first good/content and the

second/content originated from the third e-shop/website, wherein the server computer is configured to control all interfacing with the user through the third e-shop/website and Invention II includes presenting the second good/content together with a virtual presentation of first good/content as if the first dynamic good/content originated from second e-shop website, wherein the server computer is configured to control all interfacing with the user through the second e-shop/website. The control in each invention is different Invention I is controlled by the third e-shop website and Invention II is controlled by the second e-shop website. Therefore, they are distinct.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 276-296 and 308-332 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "A computer readable medium, storing instructions on a server computer for presenting to a user a virtual e-mall accessible on a network, wherein the instructions when executed cause the server computer to perform the following steps" is unclear. Examiner suggest in amending the claims to be read like the Beauregard form (U.S. Patent No. 5,710,579).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 276, 279-283, 285, 291-296, 308-315, 317-319, 321-324, and 327-332 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,029,141 to Bezos et al.

Regarding claims 276 and 308, Bezos discloses a computer readable medium comprising the following steps: accessing a first e-shop/website hosting a first good/content that is dynamic; accessing a second e-shop/website hosting a second good/content that is dynamic; and presenting a third e-shop/website displaying the first good/content and the second good/content as if the first good/content and the second good/content originated from the third e-shop/website, wherein the server computer is configured to control all interfacing with the user through the third e-shop/website (col. 6, lines 12-20; col. 6, lines 31-40; col. 7, lines 6-20; col. 12, lines 22-26).

Regarding claims 279-283, 285, 291-296, 309-315, 317-319, 321-324, and 327-332, Bezos discloses hosting a third dynamic content on the third e-shop/website; causing the first e-shop/website to mange the first dynamic content, causing the second e-shop/website to manage the second dynamic content, and causing the third e-shop/website to manage the third dynamic content (col. 6, lines 6-20; col. 6, lines 35-58; col. 10, lines 10-14; col. 12, lines 22-26); formatting a content page (col. 7, lines 6-20; col. 10, lines 50-67; col. 11, lines 16-26); user interface (Figure 1); third e-shop/website hosts a third good/content (col. 6, lines 6-20; col. 6, lines 35-58; col. 10, lines 10-14; col. 12, lines 22-26); a URL address, a computer and a network address (Figure 1; col. 5, lines 47-54); dynamic and virtual (col. 12, lines 22-26); sale and e-commerce (col. 2,

lines 48-51); and interfacing third e-shop/website with an end user viewing the first good/content and the second good/content (Figure 1; col. 7, lines 6-20) and email (e-mail).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 277-278, 284, and 286-290 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,029,141 to Bezos et al. in view of U.S. Patent No. 6,141,666 to Tobin.

Regarding claims 277-278, 284 and 286-290, Bezos substantially discloses the claimed invention, however, Bezos does not explicitly discloses the formatted content page having a first portion of the first good/content hosted by the first e-shop/website and at least a second portion of the second good/content hosted by the second e-shop/website; enabling the second e-shop/website to virtually combine the first good/content hosted by the first e-shop website as if the first good/content originated from the second e-shop/website; enabling the first e-shop/website to virtually present the third good/content/ hosted by the third e-shop/website as if said third good/content originated from the first e-shop/website; formatting a content page, the content page having comprising at least a first portion of the first good/content, at least a second portion of the second good/content and at least a third portion of the third good/content.

Tobin, on the other hand, teaches the formatted content page having a first portion of the first good/content hosted by the first e-shop/website and at least a second portion of the second good/content hosted by the second e-shop/website; enabling the second e-shop/website to virtually combine the first good/content hosted by the first e-shop website as if the first good/content originated from the second e-shop/website; enabling the first e-shop/website to virtually present the third good/content/ hosted by the third e-shop/website as if said third good/content originated from the first e-shop/website; formatting a content page, the content page having comprising at least a first portion of the first good/content, at least a second portion of the second good/content and at least a third portion of the third good/content (Figure 11A; Figure 11B; Figure 21A; Figure 21B; Figure 21C; col. 9, lines 6-30; col. 9, line 53-col. 10, line 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the computer readable medium of Bezos, to include the formatted content page having a first portion of the first good/content hosted by the first e-shop/website and at least a second portion of the second good/content hosted by the second e-shop/website; enabling the second e-shop/website to virtually combine the first good/content hosted by the first e-shop website as if the first good/content originated from the second e-shop/website; enabling the first e-shop/website to virtually present the third good/content/ hosted by the third e-shop/website as if said third good/content originated from the first e-shop/website; formatting a content page, the content page having comprising at least a first portion of

the first good/content, at least a second portion of the second good/content and at least a third portion of the third good/content, as taught by Tobin, in order to provide customized marketing of consumer services (Tobin, col. 2, lines 50-51).

Claim 288-290, 320, and 325-326 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,029,141 to Bezos et al. in view of U.S. Patent No. 5,732,398 to Tagawa.

Bezos substantially discloses the claimed invention, however, Bezos does not explicitly discloses user-selected language.

Tagwa, on the other hand, teaches user-selected language (col. 10, lines 51-53).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the computer readable medium of Bezos, to include user-selected language, as taught by Tagwa, in order to provide a choice of language to be selectable by the customer (Tagwa, col. 51-52).

Claim 284 and 316 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,029,141 to Bezos et al. in view of U.S. Patent No. 5,873,069 to Reuhl et al.

Bezos substantially discloses the claimed invention, however, Bezos does not explicitly disclose a database table having column and rows.

Reuhl, on the other hand, teaches a database table having column and rows (col. 3, lines 37-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the computer readable medium of Bezos, to

include a database table having column and rows, as taught by Reuhl, in order to provide a relational database that can operate very efficiently (Reuhl, col. 8, lines 8-9).

Response to Arguments

Applicant's arguments with respect to claims 276-296 and 308-332 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marissa Thein/
Examiner, Art Unit 3627
April 27, 2009